

### **REMARKS**

Claims 3-8 are pending in this application. By this Amendment, claim 6 is amended. No new matter is added. Reconsideration of the application is respectfully requested in view of the above amendments and the remarks set forth below.

### **Restriction Requirement**

The Office Action requires affirmation of the election of Group II, claims 3-8, drawn to a label pasting device. Applicants affirm the election of Group II, claims 3-8.

### **Section 112, Second Paragraph, Rejection**

The Office Action rejects claim 6 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant believes that this rejection is overcome with the above amendments to claim 6. Applicant notes that claim 6 and claim 5 correspond with Fig. 7 and Fig. 2, respectively.

Reconsideration and withdrawal of the rejection of claim 6 are respectfully requested.

### **Section 102/103 Rejections**

The Office Action rejects claims 3-5 under 35 U.S.C. § 103(a) as being obvious over Suzuki et al. (U.S. Patent No. 4,992,123) in view of Parrish et al. (U.S. Patent No. 6,494,244). The Office Action also rejects claim 6 under 35 U.S.C. § 103(a) as being obvious over Suzuki et al. in view of Parrish et al. and further in view of Nash (U.S. Patent No. 5,674,345). The Office Action also rejects claims 7-8 under 35 U.S.C. § 103(a) as being obvious over Suzuki et al. in view of Parrish et al. and further in view of Ahr (U.S. Patent No. 5,837,087). The Office Action also separately rejects claims 3 and 6 (again) under 35 U.S.C. § 103(a) as being obvious over Nash in view of Suzuki et al. and Parrish et al. Thus all of claims 3-8 are rejected over a combination of Suzuki et al.

and Parrish et al. either alone, or in further combination with one of Nash or Ahr. These rejections are traversed.

The present claims are directed to a label-pasting device including an adhesive applier for applying pressure-sensitive adhesive to a label-material sheet composed of only label material; a die cutter for cutting out labels from the label-material sheet with pressure-sensitive adhesive; and a label paster for pasting the cut-out labels on a packing sheet.

The label-material sheet is composed of only label material and no peeling-off paper is used. A label-pasting method and a label-pasting device which do not require expensive peeling-off paper and hence enable low-cost label pasting.

Suzuki et al. is directed to a method for attaching an elastic member in a disposable diaper. The Suzuki et al. disposable diaper "elastic member 1" is not a label material. Thus, Applicant does not believe that Suzuki et al. teaches "A label-pasting device" or "an adhesive applier for applying pressure-sensitive adhesive to a label-material sheet composed of only label material" or "a die cutter for cutting out labels" or "a label paster for pasting ...labels on a packing sheet." Additionally, Applicant believes that it would not have been obvious to substitute a label material for the Suzuki et al. diaper elastic member for at least several reasons.

First, because the diaper "elastic member 1" is ultimately positioned out of view (between top sheet 16 and backsheet 9 as shown in Suzuki et al. Figure 2), there would have been no obvious reason to include a label in such a position.

Second, if the diaper "elastic member 1" were replaced with a label material, it could result in the Suzuki et al. disposable diapers becoming inoperative for their intended use as diapers. Thus, if the intended purpose of the Suzuki et al. method of attaching an elastic member into disposable diapers were to be replaced with a method of attaching labels {into disposable diapers?}, such a method would similarly be inoperative for its intended purpose of attaching an elastic member into disposable diapers.

Thus, Applicant respectfully submits that Suzuki et al. teaches or suggests a "label-pasting device" as required by the present claims.

The Office Action asserts that Parrish et al. teaches a die cutter and that it would have been obvious "to replace the rotary cutter of Suzuki et al. with a die cutter as suggested by Parrish et al. to provide the sheet material being cut with a variety of shapes" (see the last sentence in the first paragraph of section 9 on page 5 of the Office Action).

However, Parrish et al. fails to teach, suggest or provide any motivation for replacing the Suzuki et al. diaper "elastic member" with a label. Thus, Applicant respectfully submits that Parrish et al. fails to make up for the deficiencies in Suzuki et al. discussed above.

Additionally, Applicant notes that Suzuki et al., being directed to method for attaching an elastic member in a disposable diaper (and having nothing to do with labels), would have no need for the elastic member to be cut with a variety of shapes. Only the shape of the elastic member for diapers would be needed. Thus, Applicant does not believe that one of ordinary skill in the art would have any motivation to utilize any differing Parrish et al. cutting mechanism for the Suzuki et al. cutting mechanism. For at least this reason, Applicant respectfully submits that it would not have been obvious to combine the teachings of Suzuki et al. and Parrish et al.

Neither of Nash or Ahr teach, suggest or provide any motivation for replacing the Suzuki et al. diaper "elastic member" with a label. Thus, Applicant respectfully submits that both Nash and Ahr fail to make up for the deficiencies in Suzuki et al.

For at least the above reasons, reconsideration and withdrawal of the rejections of claims 3-5, claim 6, claims 7-8 and claims 3 and 6 are respectfully requested.

### **Conclusion**

In view of the above amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims is earnestly solicited. Should the Examiner believe anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to Counsel's Deposit Account 01-2300, making reference to Attorney Docket No. 107390-00005.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert K. Carpenter", written over a horizontal line.

Robert K. Carpenter  
Registration No. 34,794

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
1050 Connecticut Avenue, N.W., Suite 400  
Washington, D.C. 20036-5339  
Tel: (202) 857-6000  
Fax: (202) 638-4810  
RKC/tdd

## ABSTRACT OF THE DISCLOSURE

--The present invention relates to a label-pasting method and a label-pasting device which do not require peeling-off paper and hence enable low-cost label pasting. A label-pasting device includes (i) an adhesive applier for applying pressure-sensitive adhesive to a label-material sheet composed of only label material and fed from its roll, (ii) a die cutter for cutting out labels from the label-material sheet with pressure-sensitive adhesive, and (iii) a label paster for pasting the cut-out labels on a packing sheet. Because the label-material sheet is composed of only label material and no peeling-off paper is used, the label-pasting cost is low.--